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Health, et al.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BOARD OF TRUSTEES OF UNITE HERE
 HEALTH, *et al.*,

Plaintiffs,

vs.

BACON NATION LV, LLC, *et al.*,

Defendants.

CASE NO.: 2:23-cv-00789-GMN-DJA

**STIPULATION AND ORDER FOR
 DISMISSAL WITH PREJUDICE**

The Plaintiffs, the Board of Trustees of UNITE HERE Health, *et al.* (collectively, the “Plaintiffs”), and Defendant Circa Hospitality Group II, LLC (“CHG”), each acting by and through their undersigned counsel, hereby stipulate and agree pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) that:

WHEREAS, the Plaintiffs, CHG, Bacon Nation LV, LLC (“Bacon Nation”) (CHG and Bacon Nation collectively, the “Defendants”) and Abraham Taylor (“Mr. Taylor”) and Greg Costello (“Mr. Costello”), as Members of Bacon Nation, entered into a Settlement Agreement, Stipulation and Consent for Entry of Judgment by Confession (“SOE”) and Judgment by Confession (“Judgment”) to resolve claims asserted by Plaintiffs in this Case, whereby they agreed that: (i) the Defendants, Mr. Taylor and Mr. Costello would pay Plaintiffs’ claims over a period of twelve (12) months; (ii) the Defendants, Mr. Taylor and Mr. Costello would timely and accurately submit Remittance Reports and payments of any and all Fringe Benefit Contributions to the Plaintiffs on a monthly basis; and (iii) the SOE and Judgment would be

held by the Plaintiffs in trust so long as the Defendants, Mr. Taylor and Mr. Costello fulfill their settlement and payment plan obligations outlined in the Settlement Agreement and SOE;

WHEREAS, Defendants, Mr. Taylor and Mr. Costello have fulfilled their obligations under the terms of the Settlement Agreement and SOE, subject to Plaintiffs' right to audit Defendants' payroll and related records, and the Judgment was neither filed nor entered by the Court;

NOW, THEREFORE, all claims asserted in this Case shall be and are hereby dismissed with prejudice, each party to bear its own attorney's fees and costs, except as expressly agreed between the Plaintiffs and Defendants in the Settlement Agreement and SOE.

CHRISTENSEN JAMES & MARTIN, CHTD.

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By: Kevin B. Archibald
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By: Cynthia L. Alexander
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*Attorneys for Defendant Circa Hospitality
Group II, LLC*

DATED: December 6, 2024

DATED: December 6, 2024

ORDER

IT IS SO ORDERED.


UNITED STATES DISTRICT COURT JUDGE

DATED: December 9, 2024



Outlook

RE: EXTERNAL: Re: Board of Trustees UNITE HERE Health, et al. v. Bacon Nation LV, LLC, et al.

From Cynthia L. Alexander <CAlexander@dickinsonwright.com>**Date** Fri 12/6/2024 4:48 PM**To** Kevin Archibald <kba@cjmlv.com>; Kerry E. Kleiman (any traditional pronouns) <KKleiman@dickinsonwright.com>**Cc** Jennifer J. Smith <JJSmith@dickinsonwright.com>

Hey Kevin,

We have no changes to the Stipulation to Dismiss. You may affix my electronic signature.

**Cynthia L. Alexander**

Member and Deputy CEO - Innovation

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From: Kevin Archibald <kba@cjmlv.com>**Sent:** Friday, December 6, 2024 10:03 AM**To:** Cynthia L. Alexander <CAlexander@dickinson-wright.com>; Kerry E. Kleiman (any traditional pronouns) <KKleiman@dickinson-wright.com>**Cc:** Jennifer J. Smith <JJSmith@dickinson-wright.com>**Subject:** Re: EXTERNAL: Re: Board of Trustees UNITE HERE Health, et al. v. Bacon Nation LV, LLC, et al.

Cynthia,

Following up on the Stipulation to Dismiss, again. Please advise if you have any changes. If not, please confirm that I may affix your (or Kerry's) electronic signature and file the Stipulation with the Court.

Thank you,
Kevin Archibald

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Kevin B. Archibald, Esq.

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